

Page



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,009	06/29/2001	Norio Nagai	Q64866	5688

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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VIEAUX, GARY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 04/15/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application

09/894,009

Examiner

Gary C Vieaux

Applicant(s)

NAGAI, NORIO

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: the expression "was arranged the" is used in lines 2-3. The examiner would suggest "is arranged to the" as an acceptable alternative. Appropriate correction is required.
2. Claim 7 objected to because of the following informalities: the expression "source of light" is used in line 2, whereas "said light source" would create the proper antecedent basis. Additionally, the expression "arranged inside of said cover" is used in line 2. The examiner would suggest "arranged beneath said cover" or "arranged under said cover" as acceptable alternatives. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Hosokawa et al. (US #6,341,202.)

Regarding claim 1, Hosokawa teaches a digital camera having plural modes comprising: a mode selecting operation member for choosing one mode among said plural modes (Fig. 1, correlator 121; col. 1 lines 65-67);

plural symbols formed in said mode selecting operation member, each symbol corresponding to said modes (Fig. 4A, correlators 124a through 124m; col. 2 lines 18-20 and 30-34);

an indicator to be set one of said plural symbols by operating said mode selecting operation member, a mode corresponding to said symbol being chosen (col. 2 lines 27-31); and

a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode (col.2 lines 48-54);

Regarding claim 2, Hosokawa teaches the digital camera of claim 1 (see 102 rejection supra,) in addition to teaching that the lighting state includes a continuous lighting and flashing which indicate two kinds of condition of said digital camera (col.2 lines 48-54; col. 2 line 65 – col.3 line 4.)

Regarding claim 3, Hosokawa teaches the digital camera of claim 1 (see 102 rejection supra,) in addition to teaching that the light source emits a colored light among plural colored lights, said plural color lights indicating plural condition of said digital camera (col. 6 lines 6-35.)

Regarding claim 4, Hosokawa teaches the digital camera of claim 1 (see 102 rejection supra,) in addition to teaching that the light source includes plural LEDs that emits different colors (col. 6 lines 29-35; col 11 lines 9-10.)

Regarding claim 5, Hosokawa teaches the digital camera of claim 1 (see 102 rejection supra,) in addition to teaching that the indicator includes a transparent cover that was arranged the outside of a camera body (Fig. 1 correlator 121 and col. 45 lines 26-27.)

Regarding claim 6, Hosokawa teaches the digital camera of claim 5 (see 102 rejection supra,) in addition to teaching that the outer surface of said cover is satin finished (col. 10 lines 50-55; col. 14 lines 10-11.)

Regarding claim 7, Hosokawa teaches the digital camera of claim 6 (see 102 rejection supra,) in addition to teaching that the source of light is arranged inside of said cover (Fig. 5.)

Regarding claim 8, Hosokawa teaches the digital camera of claim 7 (see 102 rejection supra,) in addition to teaching that the mode selecting operation member is a dial rotatably attached to a surface of said digital camera body, said indicator being disposed adjacent to said dial (col. 3 line 37-40.)

5. Alternatively, claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hosokawa et al. (US #6,351,609.) Hosokawa teaches a digital camera having plural modes comprising: a mode selecting operation member for choosing one mode among said plural modes (Fig. 1, correlator 121; col. 6 lines 50-53);

plural symbols formed in said mode selecting operation member, each symbol corresponding to said modes (Fig. 1, correlator 121; col. 6 lines 60-64);

an indicator to be set one of said plural symbols by operating said mode selecting operation member, a mode corresponding to said symbol being chosen (col. 8 line 62 – col. 9 line 4); and

a light source for lighting said indicator, indicating at least a condition of said digital camera by lighting state of said indicator, said condition of the digital camera being unrelated with said opted mode (col. 9 lines 5-8);

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-4724. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux  
Examiner  
Art Unit 2612

Gcv2



NGOC-YEN VU  
PRIMARY EXAMINER